

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

In re the Marriage of GUY NESBITT
and ANDREA NESBITT.

GUY NESBITT,

Respondent,

v.

ANDREA NESBITT,

Appellant.

C058175

(Super. Ct. No. 05FL08223)

Andrea Nesbitt (Wife) appeals from a family court judgment resolving property and spousal support claims. For the reasons that follow, we shall affirm the trial court's judgment.

There is no reporter's transcript of the trial held on January 18, 2008. This is referred to as a "judgment roll" appeal. (*Allen v. Toten* (1986) 172 Cal.App.3d 1079, 1082-1083; *Krueger v. Bank of America* (1983) 145 Cal.App.3d 204, 207.) The limited record we have establishes the following: The parties were married for less than four years. On September 17, 2007, the family court entered judgment distributing community property, affirming separate property, and resolving the issue

of spousal support. That judgment was set aside on November 19, 2007, and on January 18, 2008, the parties proceeded to trial on those same issues.

After hearing from three witnesses, the family court vacated the November 2007 order vacating the judgment and confirmed the September 2007 judgment. In doing so, the court confirmed the family residence to Husband as his separate property, awarding Wife \$3,500 for her share of the increase in the home's value. The court also confirmed that, consistent with the September 2007 judgment, Husband already "bought out" his spousal support obligation to Wife. Finally, the court concluded that Wife failed to substantiate her claim of community and separate property contributions to the business owned by Husband.

Wife appeals from that order. On appeal, we must presume the trial court's judgment is correct. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) Thus, we must adopt all inferences in favor of the judgment, unless the record expressly contradicts them. (See *Brewer v. Simpson* (1960) 53 Cal.2d 567, 583.)

It is the burden of the party challenging a judgment to provide an adequate record to assess error. (*Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1140-1141.) An appellant must present an analysis of the facts and legal authority on each point made, and must support the analysis with appropriate citations to the material facts in the record. If an appellant fails to do so, the argument is forfeited. (*County of Solano v. Vallejo*

Redevelopment Agency (1999) 75 Cal.App.4th 1262, 1274; *Duarte v. Chino Community Hospital* (1999) 72 Cal.App.4th 849, 856.)

When an appeal is "on the judgment roll" (*Allen v. Toten*, *supra*, 172 Cal.App.3d at pp. 1082-1083), we "must conclusively presume evidence was presented that is sufficient to support the court's findings." (*Ehrler v. Ehrler* (1981) 126 Cal.App.3d 147, 154.) Our review is limited to determining whether any error "appears on the face of the record." (*National Secretarial Service, Inc. v. Froehlich* (1989) 210 Cal.App.3d 510, 521; Cal. Rules of Court, rule 8.163.) These restrictive rules of appellate procedure apply to Wife even though she is representing herself on appeal. (*Leslie v. Board of Medical Quality Assurance* (1991) 234 Cal.App.3d 117, 121; see also *Nelson v. Gaunt* (1981) 125 Cal.App.3d 623, 638-639; *Wantuch v. Davis* (1995) 32 Cal.App.4th 786, 795.)

Wife makes only one claim on appeal, that the trial court "COMMITTED PREJUDICIAL ERROR BY NOT CAREFULLY REVIEWING THE APPELLANT'S EVIDENCE TO SUPPORT HER CLAIM." Providing no legal analysis and citing only to general principles of law, Wife has forfeited her claim on appeal. (*Guthrey v. State of California* (1998) 63 Cal.App.4th 1108, 1115; *San Mateo County Coastal Landowners' Assn. v. County of San Mateo* (1995) 38 Cal.App.4th 523, 559; *People v. Stanley* (1995) 10 Cal.4th 764, 793.)

Her claim fails in any event because, without a reporter's transcript of the trial, we "must conclusively presume that the evidence is ample to sustain the [trial court's] findings."

(*Ehrler v. Ehrler, supra*, 126 Cal.App.3d at p. 154.) We find no error on the face of this record.

DISPOSITION¹

The trial court judgment is affirmed. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 8.278(a)(5).)

SIMS, Acting P. J.

We concur:

NICHOLSON, J.

CANTIL-SAKAUYE, J.

¹ Husband did not file a response to Wife's appeal.